

REMARKS

This paper is responsive to an Official Action that issued in this case on April 19, 2005. In that Action, the Office rejected claim 24, but allowed all of the other pending claims (claims 1-23, 24 and 26).

No claims have been amended; rather, the Applicant offers the following remarks in support of the patentability of claim 24.

Claim 24 recites, in pertinent part, an apparatus comprising:

a dispensing system ...
a drive system ... ; and
a system controller, wherein said system controller comprises ***means for distributed dispensing.***

(Emphasis added.)

The phrase "means for distributed dispensing" is explicitly defined in applicant's specification at p. 29, lines 13-19 to include:

processor 1360 running software 1380 ***for operating in accordance with a quasi-continuous dispensing protocol***, and a liquid delivery system that ***delivers a first pulse of an ingredient to each of a plurality of receivers before delivering a second pulse of the ingredient to any of the receivers.***

(Emphasis added.)

The quasi-continuous dispensing protocol is defined at p. 26, lines 5-30. In particular, for this protocol, liquid ingredients are dispensed as a plurality of pulses, wherein ***each pulse contains a small portion of a total quantity of an ingredient to be delivered to a receiver.*** The quantity of the ingredient that is delivered per pulse can vary as a function of formulation application. In various embodiments, each pulse contains:

- an amount of ingredient within a range of between 10 to 20 percent of the total amount of the ingredient to be delivered to any one receiver;
- an amount of ingredient within a range of about 1 to 10 percent of the total amount of the ingredient to be dispensed to any one receiver;

- an amount of ingredient within a range of about 1/10 to 1 percent of the total amount of the ingredient to be dispensed to any one receiver; and
- an amount less than 1/10 of 1 percent of the total amount of an ingredient to be delivered to any one receiver.

The protocol further specifies that ***a single pulse of a first liquid ingredient is received by substantially all receivers before any receiver gets a second pulse of the first liquid.***

It is disclosed that this second pulse typically occurs within 0.5 to about 5 seconds after the first pulse. Consequently, the first liquid ingredient is dispensed in an almost-continuous (i.e., quasi-continuous) fashion to each receiver.

The Office rejected claim 24 as anticipated by U.S. Pat. No. 6,772,806 to De Villele. De Villele offers no teaching whatsoever concerning a processor that runs software for operating in accordance with a quasi-continuous dispensing protocol. Nor would it otherwise be obvious to do so.

Nor does the liquid delivery system of De Villele deliver a first pulse of an ingredient to each of a plurality of receivers before delivering a second pulse of the ingredient to any of the receivers. In fact, the De Villele system is not even capable of doing so.

In particular, in De Villele, the total quantity of a first ingredient is dispensed via a first filling nozzle (7.1) into a container and then the total quantity of a second ingredient is dispensed into that container via second filling nozzle (7.2). The container is then rotated out of the dispensing positions by rotating platform (5) so that the next container can receive its allotment of ingredients. Each container is ultimately delivered, via the rotation of platform (5), to outlet transfer device (18). Each container is delivered from the outlet transfer device to outlet conveyor (19).

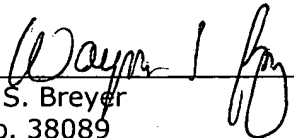
In De Villele, each container makes no more than a single pass under the filling nozzles 7.1 and 7.2. As such, it is impossible for De Villele's system to deliver "a first pulse of an ingredient to each of a plurality of receivers before delivering a second pulse of the ingredient to any of the receivers."

In summary, Since De Villele does not teach (or even suggest) a system controller, wherein the system controller comprises ***means for distributed dispensing***, claim 24 is allowable over this reference. As a consequence, it is requested that the Office withdraw the rejection of claim 24 and pass this case to allowance.

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Respectfully,
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